

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MICHAEL DENTON,
11 Plaintiff,

12 v.

13 TIM THRASHER, et al.,
14 Defendants.

CASE NO. 3:18-CV-05017-BHS-DWC
ORDER

15 The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate
16 Judge David W. Christel. Presently before the Court is Plaintiff Michael Denton's Motion to
17 Extend Discovery ("Motion for Extension") and Motion to Compel Discovery and for
18 Reasonable Attorneys ("Motion to Compel"). Dkt. 73, 74. After considering the relevant record,
19 the Motion to Compel (Dkt. 74) is denied without prejudice and the Motion for Extension (Dkt.
20 73) is granted.

21 **I. Motion to Compel (Dkt. 74)**

22 On April 18, 2019, Plaintiff, who is represented by counsel, filed the Motion to Compel,
23 wherein he requests the Court order Defendant State of Washington ("Defendant") to respond to
24 the following three interrogatories:

- 1 1. Between January 2016 and December 2018 name each time plaintiff was placed in a
2 suicide prevention observatory cell at the Washington State Penitentiary and, for each
3 time period, state the duration of time plaintiff was in that cell. (“Interrogatory No. 3”).
- 4 2. State each time plaintiff was placed on a restraint chair between January 2016 and
5 December 2018 and for each time period, state the duration of time plaintiff was in that
6 chair. (“Interrogatory No. 4”).
- 7 3. State each time plaintiff was placed on a restraint table between January 2016 and
8 December 2018 and for each time period, state the duration of time plaintiff was on that
9 restraint table. (“Interrogatory No. 5”).

10 Dkt. 74.

11 A party may obtain discovery regarding any nonprivileged information that is relevant to
12 any claim or defense in his or her case. Fed. R. Civ. P. 26(b)(1). Once the party seeking discovery
13 has established the request meets this relevancy requirement, “the party opposing discovery has the
14 burden of showing that the discovery should be prohibited, and the burden of clarifying, explaining
15 or supporting its objections.” *Bryant v. Ochoa*, 2009 WL 1390794, at *1 (S.D. Cal. May 14, 2009).

16 When a party believes the responses to his discovery requests are incomplete, or contain
17 unfounded objections, he may move the court for an order compelling disclosure. Fed. R. Civ. P.
18 37. The movant must show he conferred, or made a good faith effort to confer, with the party
19 opposing disclosure before seeking court intervention. *Id.*

20 Defendant argues the Motion to Compel should be denied because the requested discovery:
21 (1) has been produced; (2) is unduly burdensome and disproportionate to the needs of the case; and
22 (3) is obtainable from a more convenient source. Dkt. 82.

23 First, Defendant maintains the information Plaintiff seeks in Interrogatories Nos. 3-5 have
24 been provided elsewhere. *Id.* Specifically, Defendant asserts the information in response to
Plaintiff’s Interrogatories Nos. 1 and 2 provided all the information Plaintiff seeks in
Interrogatories Nos. 3-5. *Id.*; *see also* Dkt. 83, Beach Dec., pp. 2-3. A review of the evidence
shows Defendant’s counsel provided dates Plaintiff was placed in a cell without a sink or without a

1 toilet. Dkt. 83, Beach Dec., pp. 2-3. Further, Defendant's provided over 2,400 pages of documents,
2 which included information regarding Plaintiff's mental health status, confinement on continuous
3 or close observation, and placement on the restraint chair or bed. *Id.* at pp. 1-2; Dkt. 82. As there is
4 evidence showing Plaintiff received the requested information through different discovery
5 responses, the Court declines to compel Defendant to respond to Interrogatories Nos. 3-5 at this
6 time. Rather, Plaintiff is directed to review the discovery responses provided by Defendants and
7 determine if additional discovery is needed. If Plaintiff determines additional discovery is needed,
8 the parties should meet and confer to attempt to resolve the discovery matters or Plaintiff should
9 serve additional discovery requests on Defendant.

10 The Court does note the discovery requests appear relevant as Plaintiff alleges he was
11 illegally housed in solitary confinement from 2016 to 2018. Dkt. 64, ¶ 15. Any objections to the
12 scope of these three interrogatories because the requests are unrelated to the allegations in the
13 Complaint will not be well taken. *See Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635
14 (9th Cir. 2005) (quotation marks and citation omitted) ("Relevant information for purposes of
15 discovery is information reasonably calculated to lead to the discovery of admissible evidence.").¹

16 For the above stated reasons, Plaintiff's Motion to Compel (Dkt. 74) is denied without
17 prejudice. As the Motion to Compel is denied, Plaintiff's request for attorney's fees is also denied.

18 **II. Motion for Extension (Dkt. 73)**

19 In the Motion for Extension, Plaintiff requests a 90-day extension to conduct discovery.
20 Dkt. 73. As discussed above, the Court finds Plaintiff should be allowed to examine the discovery
21 documents in his possession and seek more discovery as necessary for Interrogatories Nos. 3-5.
22 Therefore, the Court finds a 90-day extension to conduct discovery is appropriate.

23
24 ¹ As the Court finds Plaintiff has received discovery related to Interrogatories Nos. 3-5, the Court declines to
consider Defendant's additional reasons for objecting to Interrogatories Nos. 3-5.

1 Accordingly, Plaintiff's Motion for Extension (Dkt. 73) is granted as follows:

- 2 • All discovery shall be completed by August 7, 2019.
- 3 • Any motion to compel discovery shall be filed not later than August 21, 2019.
- 4 • Any dispositive motion shall be filed and served on or before September 6, 2019.²

5 **III. Conclusion**

6 In conclusion, Plaintiff's Motion to Compel (Dkt. 74) is denied without prejudice.

7 Plaintiff's Motion for Extension (Dkt. 73) is granted.

8 Dated this 9th day of May, 2019.

9
10 

11 David W. Christel
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22

23 _____
24 ² All other portions of the Pretrial Scheduling Order (Dkt. 51) remain in full force and effect.